

REMARKS

Claims 1-30, 40, 43, 45, 49, 53, 54 and 58-94 are canceled; and claims 31-39, 41, 42, 44, 46-48, 50-52 and 55-57 are pending in the application. Claim 39 is amended to correct a minor typographical error.

Claims 41, 42, 44, 46-48, 50-52 and 55-57 are allowed.

Claims 31-39 stand objected to. Specifically, claim 31, from which claims 32-39 depend, stands objected to for having the phrase "to a thickness of greater than 20Å". The Examiner contends that such phrase is indefinite for failing to specify an upper limit of the thickness, and cites M.P.E.P. §2163.05 III as authority for the objection.

Applicant respectfully submits that the Examiner is misinterpreting M.P.E.P. §2163.05 III. Specifically, such M.P.E.P. section does not state that a claim is necessarily indefinite for failing to recite an upper limit of a range. Rather, M.P.E.P. §2163.05 is dealing with changes to the scope of claims occurring during prosecution, and whether such changes are supported by an originally-filed application. In the present case, claim 31 was not changed during prosecution, and accordingly the scope of the claim is literally supported by the specification as filed. Further, the scope of the claim is supported by paragraph 0023 of the originally-filed application, (which specifically states that a metal-containing material of a PMOS device can have a thickness greater than 20Å), and by paragraph 0036 of the originally-filed application (which states that a layer 24 that is ultimately utilized in PMOS devices can be formed to a thickness of greater than 20Å). Thus, the requirement of M.P.E.P. §2163.05 III that range limitations be supported by an originally-filed application is met in the present case for the claim 31 recited phrase of a

metal-containing material formed over a PMOS gate region being formed to a thickness of greater than 20Å. Applicant therefore respectfully requests that the Examiner's objection to claim 31 be withdrawn in the Examiner's next action. If the Examiner believes that Applicants' interpretation of M.P.E.P. §2163.05 III is in error, and wishes to maintain the objection to claim 31; Applicant respectfully requests that the Examiner call the undersigned to further discuss this prior to issuing another objection against claim 31.

Claims 32-39 stand objected to solely for being dependent upon objected base claim 31. However, as discussed above, Applicant believes that the objection to claim 31 is in error. Applicant therefore believes that claims 32-39 are in condition for allowance.

Claims 41, 42, 44, 46-48, 50-52 and 55-57 are allowed. Claim 31 is believed allowable for the reasons discussed above, and claims 32-39 are also believed allowable. Applicant therefore requests formal allowance of pending claims 31-39, 41, 42, 44, 46-48, 50-52 and 55-57 in the Examiner's next action.

Respectfully submitted,

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By: 

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